

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT J. SCARCELLE, et al.,

Plaintiffs,

v.

**CARDO WINDOWS, INC., d/b/a Castle
Windows, et al.,**

Defendants.

CIVIL ACTION

NO. 23-2051-KSM

ORDER

AND NOW, this 11th day of January, 2024, upon consideration of Defendant Cardo Windows's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) and Compel Arbitration (Doc. No. 8), Defendant Kinger Construction's opposition brief (Doc. No. 14), Cardo Windows's reply brief (Doc. No. 15), Kinger Construction's sur-reply brief (Doc. No. 17), and Cardo Windows's sur-sur-reply brief (Doc. No. 18), it is **ORDERED** that the motion is **GRANTED**.

IT IS FURTHER ORDERED that because the parties are to engage in private arbitration and no party has requested a stay pending that private arbitration, the Clerk of Court is directed to mark this matter **CLOSED**.

IT IS SO ORDERED.

/s/Karen Spencer Marston

KAREN SPENCER MARSTON, J.